

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ALABAMA  
NORTHWESTERN DIVISION**

**DAVID EARL JOHNSON,**

**Plaintiff,**

**VS.**

**JUDGE JACKIE HATCHER, et al.,**

## Defendants.

**3:04-cv-03021-SLB**

**AMENDED MEMORANDUM OPINION**

The magistrate judge filed a report and recommendation on December 15, 2005, recommending that this action be dismissed for failing to state a claim upon which relief can be granted and for seeking monetary damages against a defendant who is immune from such relief, pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) and (iii). No objections have been filed.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation, the court is of the opinion that the magistrate judge's report is due to be and is hereby **ADOPTED** and the recommendation is **ACCEPTED**. Accordingly, the complaint is due to be dismissed for failing to state a claim upon which relief can be granted and for seeking monetary damages against a defendant who is immune from such relief, pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) and (iii). A Final Judgment will be entered.

**DONE**, this 21st day of February, 2006.

A handwritten signature in black ink, reading "Sharon Lovelace Blackburn". The signature is written in a cursive, flowing style. The first name "Sharon" is written with a large, prominent 'S'. The last name "Blackburn" is written with a large, prominent 'B'. The signature is positioned above a horizontal line.

SHARON LOVELACE BLACKBURN  
UNITED STATES DISTRICT JUDGE